

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Karin Golz-Berner et al.

Application No.: 10/520,562

Examiner: CHUI, Mei Ping

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Group Art Unit: 1616

Attorney Docket No.: 3975.039

Confirmation No.: 5263

For: ANTI-AGEING SKIN COSMETIC

DECLARATION OF CO-INVENTOR KARIN GOLZ-BERNER  
UNDER 37 C.F.R. §1.132

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Karin Golz-Berner, declare as follows:

1. I am a co-inventor of the above-referenced U.S. Patent Application No. 10/520,562 entitled "Anti-Ageing Skin Cosmetic" (hereafter the '562 Application), and the subject matter described therein. I am also an inventor on at least 18 United States Patents, at least 19 U.S. Patent Publications, and more than one hundred patents and patent applications filed outside the United States.

2. From 1981 and 2008, I was involved in research and development in the cosmetic industry. From 1992 to 2008, I was employed by Coty International Group or a subsidiary thereof. During the period from 1992 to 2008, I served as the Director of Coty International's Creative Research and Development Center in Monaco.

3. As an initial matter, I would like to note that nothing in any of the references cited in the new rejection changes anything about the unexpected nature of the synergistic anti-ageing effect produced by the claimed anti-ageing skin cosmetic described in my previous declaration, which was signed July 1, 2010, and submitted July 16, 2010. The unexpected synergistic anti-ageing effect is detailed in section 4 of my declaration submitted July 16, 2010. It is my expert opinion that there is nothing in the cited references that renders the unexpected properties exhibited by anti-ageing skin cosmetic foreseeable or obvious. In view of the foregoing, each of the statements made in my Declaration of July 1, 2010, is just as applicable in view of the new rejection as it was at the time my Declaration of July 1, 2010, was executed.

4. The claimed cosmetic produces unexpected anti-aging effects with respect to the elimination of wrinkles, *e.g.*, fine lines. As explained in the Specification:

The anti-ageing skin effect to be expected from the inventive anti-ageing skin cosmetic due to some of its constituents is by far exceeded by an overall synergetic effect. In addition, the cosmetic achieves an excellent moisture replenishment in the skin which could not be expected from the basic constituents alone.

Specification, Paragraph [0014].

In order to further demonstrate the synergistic improvement in reduction of fine lines produced by the claimed cosmetic, I submit the following data obtained from a consumer study with 12 test persons applying different serums to their faces, necks and décolletés for three weeks. The basic serum contained:

Water	q.s. ad 100
Silicone wax	0.5
Preservative	0.5
Tetrasodium EDTA	0.1
Active formulation (see Ex. 1)	0.1
Butane Diol 1,3/Butylene Glycol U-Pur	5.0
Carbomer	0.2
Hydroxyethyl Cellulose	0.2
Triethanolamine	0.2
Xanthan Gum	0.6

Glycerine	1.5
Ethanol	10.5
PEG-40	0.3
Colorant	q.s.
Perfume	0.1
Benzophenone-4	0.1

The following were added to the basic serum in

- Serum 1 (S1): all remaining ingredients in accordance with Example 1 (i.e., each of the ingredients in S2-S6 in the same amounts)	
- Serum 2 (S2): Fig extract	0.5
- Serum 3 (S3): Pomegranate extract	0.5
- Serum 4 (S4): Rosemary powder	0.001
- Serum 5 (S5): Melon liposomes	0.1
- Serum 6 (S6): Photosomes & Ultrasomes	0.2

The participants in the test apply the serums 1 – 6 on areas of their faces, necks or décolletés twice a day. Digitalized images of the sites are made at preset intervals of one week and evaluated according to the number and depth of wrinkles using a computer programme.

The results are shown in the following table:

after	Reduction of wrinkles [%]						
	S1	S2	S3	S4	S5	S6	ES <sub>2-6</sub>
1 week	44	5	4	3	0	14	26
2 weeks	52	9	10	6	2	19	46
3 weeks	58	8	9	7	2	22	48

As will be understood by those of skill in the art, a synergistic effect is present if the combination results in more than an additive effect. The column on the far right (ES<sub>2-6</sub>) shows the additive reduction of wrinkles for Serums 2-6. As is evident, the combination of

all relevant ingredients in Serum 1 far exceeds the additive effect of the individual ingredients (SS<sub>2-6</sub>). The results show the significant synergistic effect of the combination of all individual actives. This synergistic effect was unexpected to me and there is nothing in the cited references that discloses or suggests the synergistic effect..

5. In addition, the following data is submitted in order to demonstrate the synergistic improvement in moisturizing effect exhibited by the claimed cosmetic. The data was obtained from a comparative test with 12 female test subjects with dry combination skin. Skin moisture measurements were carried out with a corneometer CM 825 (Courage & Khazaka, Germany) at 21°C and 52% relative humidity.

The serums were applied two hours after prior skin cleansing. The results of moisturizing in percent are listed as mean values in the following table.

Time	Serum of Example 1 without liposomes but with melon extract	Serum of Example 1
0.5 h	35%	63%
2 h	26%	50%
8 h	15%	31%
24 h	12%	19%

The comparison shows that the moisturizing effect of the serum of Example 1 of the present invention is significantly better with the liposome formulation of the melon extract than without the liposomes and only the melon extract.

6. I further state that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with my knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

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§1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Monaco, 7. 1. 2011  
Date

K. Golz-Berner  
Karin Golz-Berner, Ph.D.